**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929**

**WP(C).No. 7213 of 2004(H)**
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**PETITIONERS:**
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1. **K.S. MUHAMMED IQBAL, S/O. LATE SAINUL ABDEEN SAHIB, CHAIRMAN, MEENKARA DAM AYACUT PADASEKHARA CO-ORDINATION COMMITTEE, VADAVANUR POST, CHITTUR TALUK, PALAKKAD DIST., NOW RES.AT ATHIKURISSIKULAMBU KALAM, VADAVANNUR POST, CHITTUR TALUK, PALAKKAD DISTRICT.**

2. **K.N. MOHANDAS, S/O. NARAYANAN, KOTTANGODE HOUSE, KARIPPOSE POST, CHITTUR TALUK, PALAKKAD DISTRICT.**

3. **M.V. KRISHNADAS, S/O. LATE KARUNAKARA WARRIER, PATHIRIKKODE KALAM, KARIPPODE POST, CHITTUR TALUK, PALAKKAD DISTRICT.**

4. **M. PAZHANIYANDI, S/O. LATE MURUKANDI, MURUKA NIVAS, POONTHONI, KARIPPOS POST, CHITTUR TALUK, PALAKKAD DISTRICT.**

5. **C. VISWANATHAN, S/O. LATE CHELLAN, POOSARIKULAMBU, KARIPPOSE POST, CHITTUR TALUK, PALAKKAD DISTRICT.**

6. **C. MANI, S/O. LATE CHAMIYAR, VIRINJIPADAM KALAM, PUTHUNAGARAM POST, CHITTUR TALUK, PALAKKAD DISTRICT.**

**BY ADV. SRI.SAJAN VARGHEESE K.**
**SRI.LIJU. M.P**

**RESPONDENTS:**
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1. **THE STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF IRRIGATION AND WATER AUTHORITY, GOVT. SECRETARIAT THIRUVANANTHAPURAM.**

**2. THE DISTRICT COLLECTOR, PALAKKAD.**

**3. THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, CHITTUR TALUK, PALAKKAD DISTRICT.**

**4. THE EXECUTIVE ENGINEER, KERALA WATER AUTHORITY, PALAKKAD.**

**BY ADV. ADV SRI.C.RASHEED, SC, KWA**
**GOVERNMENT PLEADER SRI. MOHAMMED PUZHAKARA**
**SMT.AMBIKA DEVI, SC, KWA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 7213/2004 H**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE PERMIT.**

**EXT.P2. COPY OF THE RULES FOR THE REGULATION AND DISTRIBUTION OF WATER FOR GAYATHRI IRRIGATION PROJECT.**

**EXT.P3. COPY OF THE ROUGH SKETCH.**

**EXT.P4. COPY OF THE NEWS IN MANORAMA DT. 5/1/04.**

**EXT.P5. COPY OF THE NEWS COVERED IN KERALA KAUMUDI DT. 5/2/04.**

**EXT.P6. COPY OF THE NEWS COVERED IN KERALA KAUMUDI DT. 5/2/04.**

**EXT.P7. COPY OF THE NEWS COVERED IN MATHRUBHUMI DT. 30/1/2004.**

**EXT.P8. COPY OF THE ORDER DT. 6/1/2004 IN WPC NO. 4102/2004.**

**EXT.P9. COPY OF THE COUNTER AFFIDAVIT.**

**EXT.P10. COPY OF THE GO RT NO. 309/98/IRR. DT. 21/03/98.**

**EXT.P11. COPY OF THE APPLICATION DT. 23/2/2004.**

**EXT.P12. COPY OF THE NEWS IN MANORAMA DT. 7/2/04.**

**EXT.P13. COPY OF THE PHOTOGRAPH OPENING FROM KANNIMARI TO GAYATHRI PROJECT IN (MEENKARA DAM)**

**EXT.P14. COPY OF THE PHOTOGRAPHS WHICH WOULD SHOW THE ENTRY OF CANAL FROM KANNIMARI TO MEENKARA DAM.**

**EXT.P15 SERIES: PHOTOGRAPHS OF THE CATCHMENT AREA WHEREIN THE UNAUTHORIZED CALTIVATION BE SEEN.**

**EXT.P16. COPY OF THE NEWS IN KERALA KAUMUDI DT. 20/2/2004.**

**EXT.P17. COPY OF THE JUDGMENT DT. 13/2/2004 IN WPC NO. 4102/2004.**

**EXT.P18. COPY OF THE REPORT IN MALAYALA MANORAMA DT. 19/09/02.**

**EXT.P19. COPY OF THE REPORT IN MATHRUHUMI DT. 16/09/2004.**

**EXT.P20. COPY OF THE REPORT IN MATHRUBHUMI DT. 14/09/2004.**

**EXT.P21. COPY OF THE REPORT APPEARED IN THE MATHRUBHUMI DT. 21/09/04.**

**EXT.P22. COPY OF THE PETITION AND ORDER DT. 15/09/2004.**

**EXT.P23. COPY OF THE PETITION DT. 28/09/2004 AND ORDER DT. 05/10/2004.**

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**KURIAN JOSEPH J.**

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**Writ Petition (Civil) No.7213 of 2004**

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**Dated 22nd November, 2007.**

**J U D G M E N T**

The writ petition is filed mainly with the following prayers :-

> "(i) Issue a writ of mandamus or other appropriate writ or order or direction directing the respondents as not to make use of water from Meenkara dam-Gayathri Irrigation Project No.1 for drinking water purposes or other purposes unless and until sufficient water for the prospective purposes is got into the dam-project from other sources to the satisfaction of this Hon'ble court.
>
> (ii) Issue a writ of mandamus or other appropriate writ or order or direction directing the respondents as to store water to the maximum level viz. 39 feet in the Meenkara dam-Gayathri Project No.1."

In view of the intervening developments, petitioners pray for an opportunity to approach the Government for re-consideration of Ext.P10. The writ petition is hence disposed of as follows :

In the event of the petitioners approaching the Government, the matter will be duly considered by the Government with notice to the petitioners and the 4th respondent and appropriate action in accordance with law thereon will be taken, within another four months. Subject to the petitioners approaching the Government as above within one month from today, the interim order passed by this court on 24.9.2004 in

I.A.12763/04 will continue till orders are passed by the Government.

**KURIAN JOSEPH, JUDGE.**

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